

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 20028-7004	
	Application Number 10/812,295-Conf. #1807	Filed March 29, 2004	
	First Named Inventor Sutherland C. Ellwood, Jr.		
	Art Unit 2871	Examiner T. L. Rude	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 33,466</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> </div> <div style="width: 35%; text-align: center;"> <p>_____ /Michael E. Woods/ Signature</p> <p>_____ Michael E. Woods Typed or printed name</p> <p>_____ (408) 490-4692 Telephone number</p> <p>_____ August 23, 2007 Date</p> </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.			

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: 23 August 2007 Electronic Signature for Michael E. Woods: /Michael E. Woods/

REASONS FOR REVIEW: Pre-Appeal Brief Request

1. The rejection is improper in that it mischaracterizes the primary reference (DILLON – US Patent 5,031,983) as teaching a modulator for all claim rejections. DILLON unambiguously teaches isolator ONLY – this device cannot have variable attenuation.
2. The rejection is improper for combining DILLON and BISCHER (US Patent 6,078,704). DILLON is a magneto-optic Faraday based isolator for COMMUNICATIONS systems that depends upon a polarization angle within a waveguide to set an output while BISCHER is a DISPLAY technology that teaches an electro-optic based display system that uses variable indices of refraction to transversely extract a picture element component.
3. The rejection is not clear how the two disparate systems of DILLON and BISCHER may be combined (assuming it is proper to combine them) and how specifically the combined references matches the express claim limitations.
4. The rejection of original claims 19–36 improperly uses a new grounds of rejection without providing applicant with an opportunity for a new response.